

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
GALVESTON DIVISION**

WILLIAM J. ORTON, JR.,	§	
	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. G-15-25
	§	
MICHAEL PINES AND THE LAW	§	
OFFICES OF MICHAEL PINES, APC,	§	
	§	
Defendants.	§	

**ORDER**

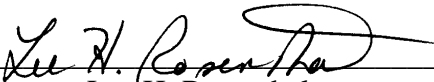
Counsel for the plaintiff has asked for an expedited hearing on the Anti-SLAPP motion. Although aspects of the Texas and California anti-SLAPP statutes are substantive, the hearing requirement is procedural and does not bind federal courts. *See Charalambopoulos v. Grammer*, No. 3:14-cv-2424-D, 2015 WL 390664, at \*28 (N.D. Tex. Jan. 29, 2015) (denying movant’s request for a hearing under TEX. CIV. PRAC. & REM. CODE § 27.004 because “the requirement of a hearing is procedural and not binding on this court”); *Shinde v. Nithyananda Foundation*, No. EDCV 13-0363 JGB (SPx), 2013 WL 1953707, at \*1 (C.D. Cal. May 10, 2013) (finding several matters, including the defendants’ motions to strike under California’s anti-SLAPP statute, “appropriate for resolution without a hearing”); *see also* FED. R. CIV. P. 78(b) (providing for “submitting and determining motions on the briefs”).

Even if these requirements do apply in federal courts, this court's docket conditions require a later hearing. *See* CAL. CODE CIV. P. § 425.16(f) (requiring “a hearing not more than 30 days after the service of the motion unless the docket conditions of the court require a later hearing” (emphasis

added)); *see also* TEX. CIV. PRAC. & REM. CODE § 27.004(a) (same exception to 60-day hearing requirement).

The request for an expedited hearing is denied at this time.

SIGNED on April 10, 2015, at Houston, Texas.

  
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Lee H. Rosenthal  
United States District Judge